IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23726 of 2004

Between:

Mateti Lingaiah S/o.Chandraiah
4-3-117,Lilithakalamandir, Yellandu,
Khammam Dist. Ex.General Mazdoor, Main Stores,

..... PETITIONER

AND

1 Singareni Collieries Company Ltd., General Manager
Kothagudem, Khammam Dist.
2 Singareni Collieries Company Ltd., Director (PAW)
Kothagudem, Khammam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one nature of writ of mandamus directing the respondents for pay monetary compensation of Rs.2 lakhs or 24 months wages last drawn whichever is more in lieu of dependant employment under Voluntary Retirement Scheme in pursuance of the Memo of Settlement dt 8-03-2002 and to pass such other order or orders.

Counsel for the Petitioner: MR.J.VENKATESWARA REDDY

Counsel for the Respondent No.: MR.N.KRISHNA RAO

The Court made the following :

ORAL ORDER:

The petitioner has filed this writ petition seeking a Mandamus to declare the action of the respondents in not paying monetary compensation of Rs.2,00,000/- or last drawn wages of 24 months in lieu of the dependant employment under voluntary retirement scheme in pursuance of the Memo of Settlement, dated 8.3.2002 as illegal and arbitrary.

The learned counsel for the petitioner has contended that the petitioner opted for Voluntary Retirement Scheme for giving alternative employment to the dependant of the petitioner. He requested the management to provide a job to his son, but later, it came to light that the son of the petitioner was not medically fit and therefore, he requested to provide employment to his son-in-law, but the same has not been considered. Now, the present prayer of the writ petitioner is to grant monetary compensation of Rs.2 lakhs instead of employment. A scheme is evolved by the respondents to pay compensation or the last drawn salary of 24 months whichever is more in lieu of the dependant employment under voluntary retirement scheme.

The learned standing counsel for the respondent-company has opposed the same on the ground that the representation, dated 25.8.2004 made by the petitioner has to be considered by the respondents in accordance with the scheme and the rules and regulations of the respondent-company.

Whether the petitioner is entitled to monetary compensation of Rs.2 lakhs or last drawn wages of 24 months whichever is more in lieu of dependant employment under voluntary retirement scheme in pursuance of the Memo of Settlement, dated 8.3.2002 has to be decided by the respondents in accordance with the scheme and the

rules and regulations of the respondent-company and law.

Therefore, a direction is given to the respondents to consider the case of the petitioner for payment of monetary compensation and pass appropriate orders in accordance with the scheme and rules and regulations of the respondent-company, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

21st December, 2004.

bcj

To

1 The General Manager, Singareni Collieries Company Ltd.,
Kothagudem, Khammam Dist.
2 The Director (PAW), Singareni Collieries Company Ltd.,
Kothagudem, Khammam Dist.

3. Two C.D. copies